

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3049
)	
v.)	
)	MEMORANDUM AND ORDER
ERIK OSORIO,)	
)	
Defendant.)	

The defendant has orally moved to cancel his change of plea hearing and to set this case for trial. The defendant's motion will be granted, and all time excluded until the commencement of trial inasmuch as the defendant's change of mind has disrupted the normal scheduling practices of the court. Accordingly,

IT IS ORDERED:

- 1) The defendant's change of plea hearing, previously set for February 12, 2010, is cancelled.
- 2) Trial is set to begin at 9:00 a.m. on March 29, 2010, for a duration of four trial days before the Honorable Richard G. Kopf, in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be at the commencement of trial.
- 3) The ends of justice will be served by granting the defendant's motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and March 29, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

February 12, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge